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MEMO ENDORSED

March 4, 2025

VIA ECF & EMAIL (Failla nysdchambers@nysd.uscourts.gov)

Hon. Katherine Polk Failla

Thurgood Marshall Courthouse

40 Foley Square

New York, NY 10007

Re: *Jennifer Cabrera v. Audrey Halpern, MD, PC d/b/a The Manhattan Center for Headache & Neurology, H2C Management, LLC and Audrey Halpern, Case No. 1:24-cv-9980*

Dear Judge Failla:

We write on behalf of Defendants Audrey Halpern, MD, PC d/b/a The Manhattan Center for Headache & Neurology, H2C Management, LLC, and Audrey Halpern, and jointly with counsel for Plaintiff Jennifer Cabrera. We write pursuant to Local Civil Rule (the “Local Rules”) 83.9 to respectfully request referral of this matter to the Court’s mediation program, as well as a corresponding stay of all proceedings, including Defendants’ deadline to respond to the Complaint, pending the completion of mediation.

Here, Plaintiff asserts claims for payment under the Fair Labor Standard Act, as well as under various state and city laws, and for breach of contract. This matter is eligible for mediation under Local Rule 83.9(e)(1), which provides that “[a]ll civil cases other than social security, habeas corpus, and tax cases are eligible for mediation, whether assigned to Manhattan or White Plains.” Local Rule 83.9(e)(3) further provides that “the parties should notify the assigned judge at any time of their desire to mediate.” Consistent with these provisions, all parties consent to both the mediation referral and the requested stay.

The parties have conferred regarding the claims and defenses asserted in this action, as well as the potential for early resolution, and agree that mediation at this stage would be most productive. Proceeding to mediation now—prior to engaging in motion practice—will allow the parties to conserve resources and avoid the costs associated with briefing and responding to potentially dispositive motions.

Currently, Defendants’ deadline to respond to the Complaint is March 24, 2025. In the event mediation is unsuccessful, Plaintiff anticipates the possibility of amending the Complaint. In that circumstance, the parties will meet and confer and submit a proposed schedule for any amendment and Defendants’ response for the Court’s consideration.

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For the foregoing reasons, the parties respectfully request that the Court so-order this letter to formalize the referral to the Court's mediation program and stay all proceedings pending the outcome of mediation.

We appreciate Your Honor's consideration of this request and are available should your Honor require any additional information.

Respectfully submitted,



Wendy Stryker

cc: John Thompson, Esq. (jt@ts-firm.com)
Mastewal Taddese Terefe, Esq. (mterefe@ts-firm.com)
Khasim Lockhart, Esq. (klockhart@fkks.com)

Application DENIED as moot. (See Dkt. #17; March 6, 2025 Minute Entry).

The Clerk of Court is directed to terminate the pending motion at docket entry 16.

Dated: March 7, 2025
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE